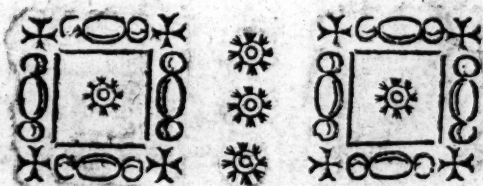


A
 LETTER
 OF
 REMARKS

Upon some of the
 OVERTURES,

Anent *CALLING* of
 MINISTERS,



GLASGOW,
 Printed by WILLIAM DUNCAN,
 in the Year; M. DCC. XXI.

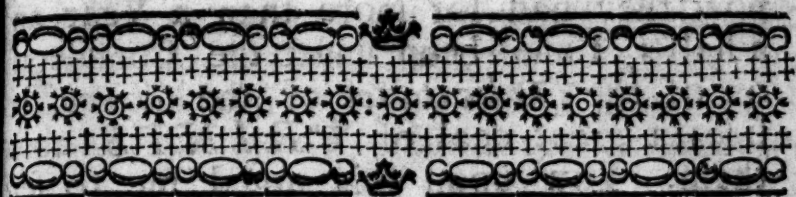


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REMARKS

Upon some of the OVERTURES
and *Consequent* Calling of Ministers.

S I R,



N our last Conversation I told you, there were some Things in the OVERTURES, both these transmitted by the Commission, and these by the last Assembly, which in my Opinion were of worse Consequence than those which have been so loudly exclaimed against,

against; when I told you some of them, you wondered no Body had noticed them, since now they had for more than a Year and a half's Time been under the Consideration of the *Judicatories* of the *Church*, besides a great deal of *PRINTS* about them. You upon this urged me to send you my *REMARKS* upon them, especially such of them, as I thought most liable to Censure: This I shall perform in this Paper, and shall confine my self to such *Overtures* only, as I think of great Moment.

THOSE I reckon are chiefly these which concern the Electing and Calling of *Ministers*. Upon which Head you'll find sundry Things different from the Practice of this *Church*, and seemingly contrary to the Liberties of the *Church* and *Christian* People. That you may have a fair and full View of this Affair I shall set down the several *OVERTURES* which relate to it together.

THE 1st is in *Chap. 2. Sect. 4. Art. 2d.*
 ' If they desire to hear others: [*viz. Probationers* besides these in the Bounds of the
 ' *Presbytry*] the *Presbytry* are first to invite
 ' them to preach before themselves, and if
 ' they be satisfied with their Gifts and Testi-
 ' monial, they are to appoint them to Preach
 ' in their vacant *Congregation*. This seems
 very

very hard both upon the *Probationer* and the Parish, to refuse his Preaching in the Vacancy meerly upon the *Presbytrie's* Dissatisfaction with his Gifts upon their hearing one single Sermon: In this case I should think it just, the *Presbytry* should give an Account of the Particulars in the Sermon they are dissatisfied with, and if they be really of weight, the Parish should be advised to consider them before they go in to a *CALL*, and advertised that if they do, the *Presbytry* may find the *Probationer* on Tryal unfit for the Office as being one that wants the main Character of a *Pastor*, aptness to Teach. But to refuse his Preaching in the Vacancy upon this first slender Piece of Tryal, seems very unjust, and it's still the worse that no Relief is provided either to the Parish or *Probationer* if they think themselves lesed by these *OVERTURES*.

THE 2d is in Chap 2. Sect. 4. Article 6. ' The *Elders* of the vacant Congregation acquaint the *Presbytry* that they not only have had their Thoughts on a fit Person to supply the Vacancie, but have communicate the same to the *Heritors* and other Heads of Families, and that they judge it probable he will be generally Acceptable; And if the *Presbytry* be also satisfied with the Person proposed &c: Then they are to cause Intimation to be made of the *CALL*.

IT

IT would seem by this, That the *Presbytry* are to have a *Negative* over the *Church's Call*, so that if they are not satisfied the *Church* cannot *Call* : it would be necessary it should be explained what is meant by the *Presbyteries* being satisfied with the Person proposed, for if the *Presbytry* have nothing to object against the Person's Orthodoxy or Morals, they are certainly obliged to grant the Petition of the *Parish*, and if they have any Thing to object upon these Heads, it must immediately come to a Process, and the particulars must be condescended upon, if this be refused, it's certainly in the Power of a *Presbytry* to keep a *Parish* as long vacant as they please; and to hinder the best and most comfortable Settlements, they have no more to do but to say they are not satisfied with the Person proposed, and then let his Abilities and Qualifications be never so eminent, if he is not in every Respect agreeable to them, they can defeat the Design by saying they are not satisfied with the Person, which is certainly Tyranny over the Church of God, and a Lording it over GOD's Heritage: But to convince you Sir what is meant by this Article, I shall proceed to

A 3^d, It's Article 14 of the same Section and Chapter, where you see the Form of a *CALL* has this plain Novelty in it, *We the Heritors and Elders &c: ----- have agreed with the Consent of the Parishoners of the Parish foresaid, and Concurrence of the Reverend Presbytry of* to Invite, Call and Intreat, &c. This Form, if this Overture is to be turned into an Act, must take Place in all the future *CALLS* of this Church: So that no Parish can Call in Time to come without the Concurrence of the Presbytry, which is plainly to give the Presbytry a Negative over the *CALL* of the People, so that they cannot Call or Elect any Person without their Concurrence. The Laws have given us a *Lajck Patron* which we justly complain of as a just and great Grievance, and here the *Overtures* give us an *Ecclesiastick Patron* as if the former were not sufficient Grievance to the Church, If we are against the first, I see no Reason why we should be for the second, if the one be a Grievance and Tyranny over the Church, is not the other the same Thing? The Presbytry have an after Approbation or Concurrence when the *CALL* is presented to them, that is, they approve of the *CALL* as duely proceeded in, and Concurr with it so far as to take the Person under Tryals. This you'll see is distinct from

from this Concurrence by the *Overture Article* 15. following. So that by the *Overtures* there is a twofold Concurrence of the *Presbytry* :

The 1st is, they must be satisfied with the Person proposed, and Concurr with the Parish in the *CALL* to the Person, and without this the Parish cannot *Call*.

The 2^d is a posterior Concurrence with the *CALL* when it is laid before them, so as to grant the Parishes Desire of putting the Person called under Tryals, this last is very Just and Reasonable, but for the first there is no Reason at all ; for it's certainly the Right of the *Church* to Elect and Call their own *Pastor* whether the *Presbytry* Concurr or not, if they make a bad and indiscreet Choice let the *Presbytry* see to it, in the Accuracy and Severity of their Tryal, and reject the Person called, if they find him upon Tryal Insufficient, for no Body doubts but its their Rule from the inspired Apostle ' to lay Hands suddenly upon no Man.

NOW Sir, I beg upon the whole, if you do not think this worse than the *Negative* so generally disliked, and that it introduces a very dangerous *Patronage* and *Tyranny* into our *Churches*, and if this be a probable Method to have the Grievance of *Patronage* removed from us, so far from it

Ar- it, that it seems to be a real Approbation of
 O. it. I nothing doubt but the *Advocates* for
 the *OVERTURES*, when they find
 the these Things objected, will explain away
 the this, as they did a former *Negative*. I shall
 Pa- be very glad they do so, seeing its for the
 and Interest of the *Churches* of *Christ* they should,
 with tho' in the mean Time, I'm satisfied, I have
 em, said nothing upon this Head, but what is a-
 ing greeable to the plain, literal, obvious Sense
 of the Passages I have quoted.

A Fourth Passage is Paragraph 17 of the
 same Section. The *Presbytry* is to consider
 the Reasonableness of the Transportation
 desired, and if that be not evident to them,
 they are not to concur in the Call, *i. e.* they
 are not to concur in granting the Desire of
 the *Parish* and *Eldership* of sending one of
 their Number to preside in Moderating of a
 Call, or they are not to concur with the Call,
 now when presented to them for their Ap-
 probation and Concurrence. This in my
 Judgment is far beyond the sixth Act of
 Assembly 1694, which is only an Advice
 and Recommendation to the *Parish*, to desist
 from the Pursuit, but nothing so peremptory
 as this, to refuse to concur, when the *Parish*
 insists. This puts me in mind of another O-
 verture in which all Advices and Recom-
 mendations of superiour Courts have the
 Strength of a Law; You'll find it in *Ch.*

1. Sect. 2 Paragr. 9. Pag. 18. *The General Assembly enjoins all Kirk-Sessions punctually and diligently to obey and observe the Appointments and Recommendations of superiour Judicatures. So then they must observe and obey not only Appointments but Recommendations and Advices.*

I still thought they should pay a due Regard to their Recommendations and Advices, but never dreamed but they might go contrary to them, if they thought them unreasonable or inexpedient to their Case, and that they were at Liberty to obey them or not as they found Cause, else I see no difference 'twixt Appointments, Acts, Decisions, and Recommendations or Advices. But if we are to take Advice and Recommendation in this Sense, then this shews what Sense it bears in the *OVERTURE* of this Assembly 1720, viz. *If a Question fall out in a Session in Matters of Discipline to be executed by the Minister, then nothing should be concluded unless it be agreed to by the Minister and Plurality of the Elders, till the Presbytery give their Advice and Direction thereupon.* In this Sense of the Word, it's plain by Advice and Direction must be meant Decision, or what is intirely equivalent to it, so that the Affair cannot return to the Session to be by them decided contrary to this Advice, which is the Sense some have put upon it.

To

To support this, is what we find in Chap. 2 Sect. 4. Paragr. 19. If the Person called be a Minister settled in another Congregation, the Commissioners of the vacant Parish, with one commissioned from the Presbytry, if need be, are to apply to the Presbytry to which he belongs, This if need be, is to be understood if they concur not with the *CALL* as above, for the Reason specified in Para. 17. tho' I think it the hardest Matter that can be, upon that Reason not to Concurr. To the same Purpose is that in Sect. 6. Par. 2. pag. 78 In *Transportations*, the first Step is to see the *CALL* be legally proceeded in, and approved by the Presbytry in whose Bounds the vacant Parish is. If the Presbytry concur not, I see no need of their Approbation, since the End of that is for Concurrence: it would seem sufficient in that Case, that it be attested by the Minister who moderated in the *CALL*: but still the great Complaint will be that a Presbytry approves of a *CALL* as legally proceeded in, and deny their Concurrence to prosecute it. For my Part, if they find the one, I think they should be obliged to do the other. When you put all these together, the Thought will be unavoidable, that the Compilers have had their Eye to a very special and particular Case which every Body knows, for to this Case are all these *Canons* especially adjusted.

I shall only further notice to you, the State of the Vote in Transportations when the Parish calling is in a different *Presbytry*, Sect. 6. para. 19. Then the Question is, *Dissolve his Relation or not.* I shall only Remark here, that this is very hard upon the *Minister*. His Relation is dissolved to the Parish he is in Possession of, and he is not certain if the *Presbytry* to which he is transported receive him or not, and by that means he may come to be in the State of Mr. *Shaw* of *Kilspindie*, lose both.

I shall not at this Time make any *Remarks* about the *OVERTURES* that concern *General Sessions*, both because so much has been said upon that Head, and because I do not see any more should be said untill the *Assembly* receive in the Reports from the Parties, and *Presbyteries* in whose Bounds they are, in which Case I think they stand obliged to transmit them to the *Presbyteries* for their *REMARKS*.

I shall end this *LETTER* by one Remark upon the *OVERTURES* transmitted by this present *Assembly* 1720, anent *Calling of Ministers*, in the last Paragraph of which they say.

Lastly, In case of vacant *Kirks* in Royal Burghs, the *Magistrates* and *Town-Council*, *Ministers* and *Elders*, of the Burgh be the *Electors*. But when a Part of the Parish

be-

belongs to the *Landward*, the *Heritors* and *Elders* of that Part of the *vacant Parish* are to joyn in the Election and Calling of the *Ministers* to supply these *Vacancies*, according to use and wont.

THE first Thing I remark here is, what Concern this has with the Title of the Act. *viz.* of planting *vacant Churches*, especially *tanquam jure devoluto*, this last Part of the Act has no Relation to the *jus devolutum* that I can see, upon what View or Design it has papt in here where no Body could expect it, is not for me to guess.

2dly, How Irrational, Inexpedient and out of the Road is it for our *Church Judicatures* to make Acts and *OVERTURES* to declare who are *Legal Callers*; for no Body can imagine that *Magistrates*, *Town-Coouncil*, *Heritors*, as such, are Electors and Callers by Divine Right, as Members of the *Church* no doubt they are, but not as *Magistrates*, *Council* or *Heritors*. It belongs to the Legislature to declare who are *Legal Callers*, and not to our *Judicatures*, unless they design to usurp the Legislature: It's our Business only to concern our selves with a Gospel *CALL*, and who are *Callers* by Divine Right, and never to do any Thing against a Gospel *CALL*, but by all means to promote it, whether it be Legal or not; and by the Way I take
the

the Liberty to recommend to you a Book writ last Year upon this Subject as a very pious and worthy Performance, intituled *jus populi*, which I think every *Minister* should read.

3dly, I find the *Ministers* in Burghs are by this *OVERTURE* made *Callers*, this is what I do not understand; I own *Ministers* should be consulted with in *Calling* of their *Colleagues*, and that their People should pay a just Regard to their Judgments, and when they do so, I think *Ministers* should lay it down to themselves as a Rule, That whom the *Church* of God choose to be their *Minister*, him they are obliged to make their *Colleague*, unless they have Things to alledge against the Person, which will bear weight before the *Presbytry*. If *Ministers* be *Callers*, I do not see but the Form of a *CALL* in the *OVERTURES* Pag. 69. must be altered, for there they invite the *called* to take the Charge of their Souls, and then promise Encouragement and Submission to his *Ministry* in the Lord; but then its not only the *Minister* who is to be *Colleague* to him, that *called*, but all the *Ministers* in the Burgh, and in some Burghs, with *Principals* and *Professors* who are also *Ministers* tho' not in the Burgh they will make a goodly Number; What Reason there is for this I see not, unless it be

be that they have one *Common General Session*, and if that Reason be good, I see not but it's as good that all the *Ministers* of the *Presbytry* should be *Callers*, since they are all in that Sense *Colleagues*, by having one *Common Presbytry*. But why is this Privilege confined by the *Overture* to *Ministers* in *Burghs*, since there are abundance of *Collegiat Kirks* which are not *Burghs*, and yet it's confin'd to *Ministers* in *Burghs*; What the Design and View here is I leave you to guess.

4thly, The *Elders* of the *Burgh* are declared to be *Callers*, I have heard of *Elders* of the *Kirk*, but this is the first Time I ever heard of the *Elders* of the *Burgh*; have the *Elders*, by being *Elders* of a particular *Kirk*, also a Relation as *Elders* to the whole *Burgh*? Are their *Edicts* and *Elections*, for the whole *Burgh*, and served in all the *Kirks*? By *Elders* of the *Burgh* they must mean either the *Elders* of the particular *vacant Kirk*, and these no Body doubts are *Callers*.

OR 2dly, By *Elders* of the *Burgh* I judge is meant the *Elders* of all the distinct *Kirks* in the *Burgh* meeting in a *General Session*, and so by this Act the *General Session* are made *Callers* in prejudice of the Rights of the particular *Sessions*, which is a Case not yet decided, and looks very unfair to decide

side it here by so general and double faced
 a Clause, which no Body could expect at first
 View to be the Design of it. I say it with
 regrate, those little Arts are Things unwor-
 thy of our Courts, what they have in them
 of the Wisdom of the *Serpent* I shall not say,
 but sure I am they are far from the harm-
 lessness of the *Dove*; and it's so much the
 worse because of the last Clause of the next
Overture about *General Sessions*, for by this
 all the *Presbyteries* are lulled asleep, and ex-
 pecting nothing should be done anent them,
 untill they are again transmitted by the next
General Assembly according to the Intent of
 that *Overture*, with which Words I shall al-
 so end this *Letter*, for I am sure this Melan-
 choly Subject has wearied you as it has done
 me. The Words are these that follow,

AND the General Assembly consider-
 ing, that it is but in some few Burghs, where
 General Sessions are, and that the Presbyteries
 in whose Bounds these Burghs ly, have most
 Access to know the Constitution and Practice
 of the General Sessions: The General As-
 sembly do therefore recommend to the respective
 Presbyteries, in whose Bounds these Burghs
 are, to enquire into the Constitution and Prac-
 tice of the said General Sessions, and report to
 the next General Assembly.

F I N I S.

